

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON, et al.,
:
:
Plaintiffs,
:
:
v. : Civil Action No. 05-399-JJF
:
STANLEY TAYLOR, et al.,
:
:
Defendants.
:

ORDER

At Wilmington, this 19 day of December 2006, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:


1. Defendants' Motion To Dismiss (D.I. 81) is GRANTED with respect to Plaintiffs' Fourteenth Amendment due process claims against Defendants Hennessy, DeLoy, Kearney, Stozenbach, and Hollis, Plaintiff's Eighth Amendment excessive force and failure to protect claims against Defendants Mears and Stozenbach, and all claims for monetary damages against Defendants Taylor and Kearney in their official capacities.

2. Defendants' Motion To Dismiss (D.I. 81) is **DENIED** with respect to Rule 11 sanctions, and Plaintiffs' Fourteenth Amendment equal protection claims against Defendants Kearney and Taylor in their personal capacities.

3. Plaintiffs' Motion To Amend (D.I. 85) is **GRANTED IN PART** and **DENIED IN PART** and Plaintiffs are allowed to raise a retaliation claim against Deputy Warden Mike Deloy in his personal capacity.

4. Defendants' Motion To Strike Plaintiffs' Sur-reply to Defendants' Motion To Dismiss (D.I. 102) is **DENIED**.

5. Plaintiff Wilson's Motion For Summary Judgment (D.I. 103) is **DENIED**.


UNITED STATES DISTRICT JUDGE